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Letter dated 21 May 2010 from the Chair of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo addressed to the President of the Security Council

On behalf of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo, and in accordance with paragraph 6 of Security Council resolution 1896 (2009), I have the honour to submit herewith the interim report of the Group of Experts on the Democratic Republic of the Congo.

I would appreciate it if the present letter, together with its enclosure, were brought to the attention of the members of the Council and issued as a document of the Council.

(*Signed*) Maria Luiza Ribeiro **Viotti**
Chair

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Letter dated 29 April 2010 from the Group of Experts on the Democratic Republic of the Congo addressed to the Chair of the Security Council Committee established pursuant to resolution 1533 (2004)

The members of the Group of Experts on the Democratic Republic of the Congo have the honour to transmit herewith the interim report of the Group prepared pursuant to paragraph 6 of Security Council resolution 1896 (2009).

(*Signed*) Philip **Lancaster**

(*Signed*) Raymond **Debelle**

(*Signed*) Mouctar Kokouma **Diallo**

Interim report of the Group of Experts on the Democratic Republic of the Congo

I. Introduction

1. By its resolution 1493 (2003), the Security Council imposed an arms embargo on all foreign and Congolese armed groups and militias operating in the territory of North and South Kivu and Ituri, and on groups not parties to the Global and All-Inclusive Agreement on the Transition in the Democratic Republic of the Congo. By its resolution 1533 (2004), the Council established a sanctions Committee and a Group of Experts to monitor the implementation of the arms embargo. The Council further extended the embargo to any recipient on the territory of the Democratic Republic of the Congo, with exemptions including the Congolese army and police, by resolution 1596 (2005).

2. By resolution 1596 (2005), the Security Council also established travel restrictions and imposed a freeze on the assets of individuals and entities violating the arms embargo, as designated by the Committee, and re-established the Group of Experts, with the addition of an expert for financial issues. Following the establishment of the consolidated assets freeze and travel ban list by the Committee on 1 November 2005, the Council, by its resolution 1649 (2005), extended the applicability of the travel and financial restrictions to political and military leaders of foreign armed groups operating in the Democratic Republic of the Congo and to Congolese militias receiving support from abroad who impede the participation of their combatants in disarmament, demobilization and reintegration processes.

3. In July 2006, by its resolution 1698 (2006), the Security Council renewed the arms embargo and the travel and financial measures until 31 July 2007, further broadening their applicability to political and military leaders recruiting or using children in armed conflict and to individuals committing serious violations of international law involving the targeting of children in situations of armed conflict. The arms embargo and targeted sanctions were further renewed until 31 March 2008 by Council resolutions 1771 (2007) and 1799 (2008).

4. By its resolution 1807 (2008), the Security Council renewed the arms embargo and the travel and financial measures until 31 December 2008 and limited the applicability of the embargo to all non-governmental entities and individuals operating in the territory of the Democratic Republic of the Congo. The Council also clarified that the measures on arms and technical training no longer applied to the Government of the Democratic Republic of the Congo. The Council terminated the requirement, originally established by resolution 1596 (2005), that authorized shipments of arms and related materiel should be made only to sites designated by the Government in consultation with the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC). At the same time, by paragraph 5 of that resolution, the Council reiterated the obligation of supplier States to notify the Committee of all shipments of arms and related materiel to the Democratic Republic of the Congo and of any provision of assistance, advice or training related to military activities in that country.

5. By subparagraph 13 (e) of resolution 1807 (2008), the Security Council decided that the assets freeze and travel ban would also apply to individuals, as designated by the Committee, operating in the Democratic Republic of the Congo

and committing serious violations of international law involving the targeting of women in situations of armed conflict, including killing and maiming, sexual violence, abduction and forced displacement. By subparagraph 4 (f) of resolution 1857 (2008), the Council decided that the assets freeze and travel ban would also apply to individuals obstructing the access to or the distribution of humanitarian assistance in the eastern Democratic Republic of the Congo, as well as individuals or entities supporting the illegal armed groups in the eastern Democratic Republic of the Congo through the illicit trade of natural resources.

6. By resolution 1896 (2009), the Security Council decided to extend the sanctions regime and the mandate of the Group of Experts as set out in resolution 1857 (2008) for a further period expiring on 30 November 2010, and requested the Group of Experts to report to the Council in writing, through the Committee, by 21 May 2010 and again before 20 October 2010. In paragraph 7 of resolution 1896 (2009), it was decided that the mandate of the Group of Experts should include recommendations to the Committee for guidelines for the exercise of due diligence by importers, processing industries and consumers of mineral products from the Democratic Republic of the Congo.

7. The Security Council, by paragraph 8 of resolution 1896 (2009), requested the Group of Experts to focus its activities in North and South Kivu, Ituri and the Orientale Province as well as on regional and international networks providing support to armed groups operating in the eastern Democratic Republic of the Congo.

8. By paragraph 8 of resolution 1857 (2008), the Security Council had requested the Group of Experts to continue fulfilling its mandate as set out in paragraph 18 of resolution 1807 (2008), as follows:

(a) To examine and analyse information gathered by MONUC in the context of its monitoring mandate and share with MONUC, as appropriate, information that might be of use in the fulfilment of the Mission's monitoring mandate;

(b) To gather and analyse all relevant information in the Democratic Republic of the Congo, countries of the region and, as necessary, in other countries, in cooperation with the Governments of those countries, on flows of arms and related materiel, as well as networks operating in violation of the measures imposed by paragraph 1 of resolution 1807 (2008) (the arms embargo);

(c) To consider and recommend, where appropriate, ways of improving the capabilities of interested States, in particular those of the region, to ensure that the measures imposed by paragraph 1 of resolution 1807 (2008) are effectively implemented;

(d) To keep the Committee frequently updated on its activities;

(e) To provide the Committee, in its reports, with a list, with supporting evidence, of those found to have violated the measures imposed under paragraph 1 of resolution 1807 (2008) and those found to have supported them in such activities, for possible future measures by the Council.

9. In a letter dated 25 February 2010 addressed to the President of the Security Council (S/2010/99), the Secretary-General informed the Council that he had appointed three members of the Group of Experts, as follows: Raymond Debelle (Belgium, arms), Kokouma Diallo (Guinea, customs and finance), and Philip Lancaster (Canada, armed groups and Coordinator). In a letter dated 22 April 2010

addressed to the President of the Council (S/2010/207), the Secretary-General informed the Council that he had appointed a further two members, as follows: Fred Robarts (United Kingdom, regional issues) and Pawel Tarnawski (Poland, logistics). The Group was assisted by a consultant, Gregory Mthembu-Salter (United Kingdom), to undertake the tasks described in paragraph 7 of resolution 1896 (2009) including the drafting of due diligence guidelines. Claudio Gramizzi (Italy) also served as a consultant during the initial part of the mandate. The Group was assisted in its mandate by Francesca Jannotti Pecci, Political Affairs Officer in the Department of Political Affairs of the United Nations Secretariat.

10. The Group notes that delays in the establishment of its full complement of experts weakened its ability to conduct its mandate.

11. The Group wishes to express its thanks, in particular, to the Special Representative of the Secretary-General and the staff of MONUC for their support and continued collaboration. The Group also wishes to acknowledge, with appreciation, the cooperation of the national authorities of the Democratic Republic of the Congo.

II. Methodology

12. The Group commenced work on 26 February 2010, holding consultations with, inter alia, government officials, diplomatic missions, non-governmental organizations, mining industry representatives, ex-combatants and United Nations officials in Kinshasa, Goma, Kigali, London, Brussels, Paris and New York.

13. During the course of its mandate to date, the Group has continued investigations into possible sanctions violations by armed groups in the eastern Democratic Republic of the Congo. Pursuant to paragraph 8 of resolution 1896 (2009), the Group continues to adopt a case-study approach. The Group continued to research the activities of the Forces démocratiques de libération du Rwanda-Forces combattantes Abacunguzi (FDLR-FOCA), as well as the activities of the movement's political leadership and members of the diaspora. The Group has also continued to research the process of integration of the Congrès national pour la défense du peuple (CNDP) and other Congolese armed groups into the Congolese armed forces (Forces armées de la République démocratique du Congo, FARDC).

14. The Group also began to monitor arms shipments to the Democratic Republic of the Congo and the implementation by Member States of the targeted travel and financial measures imposed against individuals and entities on the Committee's list.[1]

15. Pursuant to paragraph 7 of resolution 1896 (2009), the Group conducted consultations with officials from Member States and commercial entities involved in the extraction, processing and shipping and purchasing of mineral resources from the Democratic Republic of the Congo. The Group also consulted with concerned non-governmental organizations.

16. In addition, the Group continued its investigations into the linkage between the exploitation of natural resources and the financing of illegal armed groups.

[1] www.un.org/sc/committees/1533/pdf/1533_list.pdf.

17. The Group acknowledges an obligation to reply to a number of queries, rebuttals and objections from some Member States and individuals arising from information conveyed in previous reports. The Group intends to review and respond, as appropriate, and will append an annex summarizing its actions in this regard in the final report.

18. With respect to its investigation of political and military leaders recruiting or using children in violation of international law, as well as targeting women and children in situations of armed conflict, the Group maintained the same methodological standards as those used during previous mandates, namely, the collection of data on demobilization of children from local transitory care centres; the review and analysis of reports of human rights and child protection organizations; and interviews.

19. The Group used evidentiary standards recommended by the Informal Working Group of the Security Council on General Issues of Sanctions in its 2006 report (S/2006/997), relying on authentic documents and, wherever possible, first-hand, on-site observations by the experts themselves. When this was not possible, the Group corroborated information using at least three independent and reliable sources.

III. Political and military context

20. Political initiatives involving the Democratic Republic of the Congo and regional States are continuing through regional forums, including the International Conference on the Great Lakes Region, the Communauté economique des pays des Grands Lacs (CEPGL) and the Tripartite Plus mechanism.

21. National elections are due in 2011, though preparations for these are running behind schedule, prompting widespread concern that they will be delayed. Under the Constitution, local elections were to be held during the current presidential term. However, the Government's latest proposal is that the elections will be held in 2012. Moreover, several other issues associated with constitutionally mandated power-sharing arrangements with provinces remain unresolved. Amendments proposed by members of the President's parliamentary coalition to certain key provisions of the Constitution have contributed to a climate of political uncertainty. On 19 February 2010 President Kabila reshuffled the Government, reducing the number of Cabinet posts and changing the country's finance, budget and economy ministers. The reshuffle did not result in Cabinet posts for CNDP or other signatories of the Agreements of 23 March 2009, resulting in some protests from these groups.

22. In mid-2009, the President requested that the United Nations submit a plan for the progressive drawdown of MONUC troops by June 2010. Since then, concerns have been expressed regarding the potential impact of a reduction in MONUC troop levels and the Mission's logistical capacity to carry out its mandate to protect civilians and ensure access of humanitarian organizations to affected populations, as well as to protect its own civilian staff and assets. A technical assistance mission was conducted by the United Nations in the Democratic Republic of the Congo in March 2010 to examine the modalities of withdrawal, but no decisions by the Security Council have yet been announced.

23. There has been increased political turbulence in several provinces, including Katanga and Equateur, over internal struggles and allegations of corruption in

provincial assemblies. In North Kivu, the Governor faced a motion of no confidence over allegations of embezzlement in the provincial assembly, resulting in the loss of his majority there. The assembly itself was then suspended on 15 January 2010. The Governor of South Kivu resigned in mid-April 2010 following a vote of no confidence in the provincial assembly, while the position of the Governor of Orientale is also under threat.

24. On 4 April 2010, a raid on Mbandaka, the capital of Equateur Province, by an armed group, prima facie linked to the Enyele ethnic group, resulted in the temporary capture of the airport and the deaths of one Ghanaian peacekeeper, two MONUC contractors and, according to the Government spokesperson, seven FARDC and three personnel of the Police nationale congolaise. The Group also received several reports of civilian deaths ranging from 11 to 42 individuals. Government forces subsequently regained control, with the support of MONUC. The Government later accused MONUC of having failed to protect civilians in imminent danger, a charge that MONUC has said it will investigate. The Provincial Minister for Public Information subsequently declared that early warning of a possible attack had reached FARDC in Mbandaka several days before the captured river boat carrying the combatants arrived, but that no preparations to deal with it were made. The Group has received credible reports that FARDC officers looted a number of institutions during the attack in Mbandaka, including MONUC facilities. Several FARDC officials have since been summarily convicted of looting by military courts.

25. Foreign armed groups, notably the Forces démocratiques de libération du Rwanda (FDLR), the Ralliement pour l'unité et la démocratie (RUD), the Lord's Resistance Army (LRA) as well as Congolese armed groups, continue to pose serious threats to the security of the populations of the Kivus, Maniema and Orientale Province. Following the end of joint operations with MONUC, known as Kimia II, in December 2009, FARDC continued to conduct unilateral operations against FDLR and some Congolese armed groups in those provinces. Since January 2010, FARDC and MONUC have conducted joint planned operations, known as Amani Leo, targeting FDLR strongholds. Many of these operations are still being conducted in South Kivu, where FARDC has also faced resistance by ethnically based armed groups such as the Forces républicaines fédéralistes (FRF) and Mai-Mai Yakutumba. In April 2010, MONUC assessed the strength of FDLR to be reduced to roughly half of what it was before Kimia II.

26. During Kimia II in 2009, a total of 1,564 FDLR combatants, including 42 children, and 2,187 dependants joined the disarmament, demobilization, reintegration and resettlement or repatriation programme. From 1 January to 9 April 2010, another 345 FDLR combatants (344 Rwandans and one Burundian), including some children, were demobilized, while 814 repatriated persons (404 combatants and 410 dependants) were demobilized with MONUC support. According to MONUC demobilization statistics, among the FDLR ex-combatants were 433 Congolese citizens demobilized in 2009 and 156 additional cases from 1 January to 9 April 2010. These figures may demonstrate that FDLR has a capacity to recruit among the Congolese population, and it is the Group's understanding, drawn from a variety of sources, that the recruitment is not coerced. The relatively high rate of repatriation, as well as testimonies gathered from many of the returnees, suggest that some among the rank-and-file FDLR elements have taken advantage of the confusion created by military operations to flee.

27. Efforts by the authorities of the Democratic Republic of the Congo and MONUC to integrate and demobilize Congolese non-State armed groups have continued, leading to the demobilization of nearly 1,000 combatants during the first quarter of 2010. Those demobilized came from armed groups including, inter alia, Mai-Mai Kifuafua, the Patriotes résistants congolais (PARECO) and Mai-Mai Yakutumba.

28. There has been slow progress in implementing the Agreements of 23 March 2009, in particular in connection with political integration. Nonetheless, three former armed groups, CNDP, PARECO and the Mouvement d'union pour le développement national, have begun a process of transformation into political parties.

29. Data collected by humanitarian agencies and provincial population movement commissions has suggested that in February 2010 there were approximately 600,000 internally displaced persons in North Kivu. The data refers to displacement occurring from January to December 2009, and is attributed predominantly to military operations, or "armed attacks". The most affected territories in North Kivu are Lubero (53 per cent), Masisi (20 per cent), and Walikale (17 per cent). At the same time, in 2009, approximately 500,000 people returned to their respective areas of origin, with the territories of Lubero, Masisi and Rutshuru totalling more than 90 per cent of returns.

30. In South Kivu approximately 730,000 people remained internally displaced at the end of 2009, with a decreasing rate of return, and with approximately 50,000 displaced from October to December 2009 due to military operations and the reprisal attacks of FDLR.

31. In the Ituri region of Orientale Province, there was renewed displacement during 2009, together with a very low rate of return, particularly in the southern Irumu territory caused by the fighting between FARDC and the Front populaire pour la justice au Congo and the Front de résistance patriotique de l'Ituri.

32. In the Haut and Bas Uélé regions of Orientale Province, there are a total of approximately 240,000 internally displaced persons. During the last quarter of 2009, it appears that LRA attacks have resulted in a 32 per cent increase in the number of internally displaced persons in the area of Niangara and a 62 per cent increase in the area of Rungu.

33. In Equateur Province, fighting in and around Dongo, in Kingu territory, during late 2009 caused the displacement of approximately 60,000 people, while reportedly more than 80,000 sought refuge in the Republic of the Congo, and 15,000 in the Central African Republic.

Integration of CNDP into FARDC

34. In its final report of 23 November 2009 (S/2009/603), the Group documented the incomplete integration of CNDP into FARDC, and the rapid redeployment of FARDC/CNDP units in North and South Kivu, particularly to areas with significant mining deposits. In Masisi and some areas of Rutshuru, CNDP continues to exercise military, political and administrative influence. The Group understands that formally integrated CNDP units continue to respond to the parallel chain of command of General Bosco Ntaganda, a sanctioned individual who is also under an International Criminal Court indictment. The Group also received untested allegations that there are substantial numbers of foreign nationals belonging to CNDP units currently undergoing integration into FARDC. Disarmament, demobilization, reintegration

and resettlement or repatriation statistics on repatriation of foreign CNDP ex-combatants confirm findings contained in previous reports concerning CNDP recruitment of foreign combatants.

35. As indicated in previous reports, including through testimonies collected from FARDC officers, the Group continued to analyse the phenomenon of desertions from newly integrated FARDC units, in particular of former PARECO and CNDP elements.

36. CNDP issued a communiqué on 31 March 2010 by its new president, Philippe Gafishi Ngango, announcing the lifting of all its illegal barriers and taxes. However, the Group has received credible testimonies that CNDP taxation mechanisms continue to operate along commercial routes in areas including Sake, Mushake, Kilolirwe and Kitchanga and among the local population living in areas under their control. According to MONUC, trucks transiting Kitchanga are charged US$ 100-150 at illegal roadblocks, while pedestrians are charged CGF (Congolese franc) 500. For those who attempt to evade the tax and are caught doing so, the charge is tripled.

37. The continued de facto control of North Kivu, and to a lesser extent South Kivu, by CNDP has occurred in the context of incomplete implementation of the political and military Agreements of 23 March 2009 signed by the Government, CNDP and other armed groups.

38. On 17 February 2010, the Governments of the Democratic Republic of the Congo and Rwanda and the Office of the United Nations High Commissioner for Refugees concluded two tripartite agreements. One concerned the return of approximately 54,000 Congolese refugees from Rwanda, and a second agreement dealt with the ongoing return of Rwandan refugees to Rwanda from the Democratic Republic of the Congo. However, there has been no implementation to date of the return mechanisms agreed by the three parties. The refugee return agreements have been concluded in the context of the ongoing rapprochement between the two Governments, and the Agreements of 23 March 2009 between the Government of the Democratic Republic of the Congo and CNDP and other armed groups. Subsequent to these tripartite agreements, CNDP has called for the return of over 150,000 Congolese refugees from Rwanda. During the last six months, there have been several reports of undocumented returns to the Democratic Republic of the Congo, while at the same time the Group has received information that there have been very few returns from Congolese refugee camps in Rwanda.

39. The Group notes in this regard, and will investigate further, reports that Rwandan citizens are among those said to be Congolese refugees currently returning to the eastern Democratic Republic of the Congo from Rwanda, in some cases accompanied by cattle protected by armed herders. The Group has also received information from credible sources, which it continues to investigate, that some Hunde, Nande and Tembo communities have been displaced from areas under CNDP control, which is leading to the remobilization of ethnically based armed groups seeking to resist this displacement and apparent land-grabbing.

FDLR/RUD-Urunana

40. The Group has learned from interviews with former FDLR combatants that recruitment and training of new combatants continues. However, operations Kimia II and Amani Leo have disrupted FDLR communications and led to the dispersal of

units and the armed group's development of a more complicated command and control system. According to information provided to the Group, the military operations have also made it more difficult for FDLR leaders to maintain control over economic activities, particularly mining. At the same time, the Group understands that ongoing military operations have made it more dangerous for those wishing to disarm and repatriate, suggesting that better coordination between disarmament, demobilization, reintegration and resettlement or repatriation and military efforts may be needed.

41. The Group has also learned from interviews with ex-combatants that the arrests in Germany of FDLR President and Vice-President Ignace Murwanashyaka and Straton Musoni have helped to exacerbate pre-existing rivalries and may have increased friction between factions at the senior level within FDLR. The Group is investigating this matter, and also whether a new organization or organizations could be evolving from FDLR structures.

42. Interviews held by the Group with former combatants revealed that the Rassemblement populaire rwandais (RPR), a small Tutsi faction bringing together diaspora political dissidents and a small group of combatants, RPR-Inkeragutabara (thought to have no more than a few dozen combatants), and RUD-Urunana leaders decided to combine and form a new organization called the Congrès national pour la démocratie (CND). From interviews with former combatants, the Group has confirmed that Felicien Kanyamibwa (living in the United States of America), executive secretary of RUD-Urunana, is the President of CND. The Group also learned that that Yacinthe Nsengiyumva, alias John Muhindo, alias Rafiki, who was also mentioned in the Group's report of November 2009, is the executive Secretary General of CND, and that General Jean-Damascene Ndibabje, alias Musare, is commander of the military wing, still referred to as the Armée nationale (AN)-Imboneza. Other political leaders formerly active in RUD have been changed or replaced. AN-Imboneza has been displaced by military operations from some of its former positions, but remains intact and in close communication with senior political cadres, particularly with Kanyamibwa and Augustin Dukoze (living in Canada), political spokesperson for both RUD and CND. The Group has collected credible testimony indicating that the AN-Imboneza leadership imposes corporal punishment for desertion, which its leadership seeks to apply to those attempting to disarm and repatriate. Those in positions of responsibility who persuade others to join them are charged with rebellion and are subject to receiving a death sentence. The Group will continue investigating these and other incidents tying diaspora political leaders to measures to prevent FDLR and RUD/CND/RPR/AN-Imboneza combatants from laying down their weapons, in breach of paragraph 4 of resolution 1807 (2008) as well as paragraph 1 of resolution 1804 (2008).

43. The Group is aware of extensive local, regional and international support networks providing political and material support to FDLR and RUD/CND in violation of Security Council-imposed sanctions. The Group intends to confirm the identities of key leaders during the course of its mandate. Credible testimonies from various sources collected by the Group suggest that new political and military organizations may soon emerge from the shifting alliances in the eastern Democratic Republic of the Congo, creating renewed risk of regional political interference from armed groups.

44. Since 2008, the Group's attempts to investigate suspected FDLR and RUD leaders with the assistance of national authorities in Member States have been complicated in some cases by those States' laws pertaining, inter alia, to protection of privacy and the separation of constitutional powers. Though Member States may have been requested in Security Council resolutions to assist the Group to investigate suspected breaches of sanctions, national privacy laws and laws protecting individual citizens' rights have prevented some national authorities from replying to requests from the Group in this regard. Canadian, American and French diplomats have all reported difficulties complying with requests for telephone logs and banking information because of legal restrictions on what types of information may be conveyed to the Group. The Group draws the Committee's attention to the inconsistency between some Member States' national laws and their implementation of mandatory obligations resulting from the adoption under Chapter VII of the Charter of resolution 1896 (2009).

Other armed groups

45. According to multiple, credible testimonies, other armed groups remain active in South Kivu, especially in Uvira and Fizi territories. The Group has received information that FDLR combatants continue to enter into military operational alliances with Congolese armed groups.

46. In North Kivu, these alliances include, for instance, the Alliance du peuple pour un Congo libre et souverain of General Janvier Buingo Karairi in the Masisi area, and the Forces patriotiques pour la libération du Congo of Ngabo Gad in Rutshuru.

47. In South Kivu, according to reports received by the Group, FDLR has entered into operational alliances with FRF and PARECO, and incorporated FARDC members apparently discontented with the integration process. In December 2009, FARDC units in Minembwe (Hauts Plateaux, Fizi territory) were, according to the same reports, attacked by a coalition of FRF and FDLR elements (see S/2009/603, paras. 47-55, for further details on the coalition). Despite an initial setback, FARDC subsequently re-established authority in those territories. The Group has also received information about military cooperation and profit-sharing from mining activities between FDLR units and Mai-Mai Yakutumba, in Fizi territory. The leader of the group, Amuri Yakutumba, has formed a politico-military movement named Mouvement pour la reconstruction du Congo, more commonly known as Mai-Mai Yakutumuba. Although this armed group signed the Agreements of 23 March 2009 with the Government, it only partially joined the integration process, maintaining some troops and operational capacity.

48. According to MONUC reports, these alliances have resulted in several attacks against the civilian population and FARDC units, which have resulted in massive displacements of population in Masisi territory as well as in several areas of South Kivu.

49. In Ituri, since its report of November 2009, the Group has noted attacks launched against FARDC units by combatants of the Front de résistance patriotique de l'Ituri and the Front populaire pour la justice au Congo, also resulting in civilian casualties and displacements of population.

Lord's Resistance Army

50. Despite operations against LRA by FARDC and the Uganda People's Defence Forces named "Rudia II", an LRA presence continues to be reported by various credible sources in the Uélé districts of Orientale Province. Several attacks against the civilian population have been reported by the same sources since the beginning of 2010, especially in the area of Niangara. According to recent estimates, approximately 100 LRA combatants are active in the Democratic Republic of the Congo, while other groups (up to 350 combatants in total) reportedly move between the Democratic Republic of the Congo, the Central African Republic and the Sudan, confirming the subregional nature of the threat represented by this armed group.

51. During the remainder of its mandate, the Group intends to investigate the current state of the structure of LRA and its possible supply and support networks, and looks forward in this regard to close cooperation with the Government of Uganda and other relevant Member States.

IV. Violations pursuant to subparagraphs 4 (c), (d) and (e) of resolution 1807 (2008)

52. In conformity with its mandate, the Group continues to monitor potential violations of subparagraphs 4 (d), (e) and (f) of resolution 1857 (2008). Consistent with its methodology and investigations during previous mandates, the Group is focusing on:

- Serious violations of international law targeting women and children perpetrated by FARDC and non-State armed groups, in order to identify command responsibility and provide relevant recommendations to the sanctions Committee established pursuant to resolution 1533 (2004).
- Cases of obstruction to humanitarian assistance and attacks on humanitarian personnel.

53. With respect to the use of child soldiers by armed groups and FARDC, the Group confirmed its previous findings that rapid integration of armed groups into FARDC has introduced significant numbers of children into Government forces, and that no important progress has been made to disarm and demobilize those children.

54. In connection with its final report of November 2009 (S/2009/603), the Group notes with appreciation the efforts made by MONUC in implementing and making operational a conditionality policy for its support to FARDC military operations. As noted in paragraph 4 of the thirty-first report of the Secretary-General on the activities of MONUC (S/2010/164), in the context of Amani Leo MONUC and FARDC have issued a joint operational directive according to which joint planning and operations are to be conducted in line with the "zero tolerance" policy adopted by the Government of the Democratic Republic of the Congo in March 2009, and the conditionality policy of MONUC. In this connection, MONUC initially vetted the commanders of 18 battalions designated by FARDC to participate in joint operations. As a result, MONUC agreed to support only those commanders with no known record of serious human rights violations, and supported only a limited number of operations which had been adequately planned in cooperation with FARDC.

55. In the first quarter of 2010, eight FARDC combatants responsible for grave human rights violations were sentenced by the military judiciary authorities of North Kivu, while 14 others were sentenced by South Kivu authorities. The Group considers that such initiatives, although relatively small in scale, are a positive sign of the authorities' commitment to prosecuting human rights crimes committed by State agents. Nevertheless, significant efforts are still needed to build the capacity of the Congolese judicial authorities to ensure the development of the criminal justice chain from investigation to sentencing and compensation of victims for human rights abuses. Only some 50 cases have been investigated and submitted to the Congolese judicial authorities since the beginning of Kimia II operations early in 2009, and none of the cases concerned allegations involving senior FARDC officials. In May 2009, the Security Council brought to the attention of the authorities of the Democratic Republic of the Congo a request by MONUC to investigate five FARDC officers concerning whom MONUC had received consistent allegations of human rights abuses. The Group understands that no significant progress has been made by the military justice authorities of the Democratic Republic of the Congo in prosecuting those five cases.

Obstructions to humanitarian assistance

56. During the reporting period, attacks on humanitarian workers by armed elements and bandits continued in the Kivus and Orientale Province. A recent example occurred on 8 April 2010, when nine workers for the International Committee of the Red Cross were abducted and held for a week by Mai-Mai Yakutumba in Fizi territory, South Kivu. The hostages were released following the intervention of MONUC.

V. Security sector reform and arms stockpile management

57. During 2009, the rapid integration of armed groups has created significant additional challenges for the process of building a professional, well-trained FARDC and national police force. The incorporation of new ex-combatants into the already fragile FARDC ranks, and their rapid redeployment has, for instance, further disrupted the chain of payments, which contributed to ill-disciplined behaviour, looting and desertions. As repeatedly cited in the Group's previous reports, the FARDC and Congolese national police should be reformed through systematic and coordinated efforts aiming at strengthening their capacity in the overall management of the security sector, weapons stockpile management, operational response, discipline and respect for human rights.

58. On 26 January 2010, the Ministry of Defence presented its security sector reform plan, focused on improving FARDC capacity through the reorganization of its chain of command and a three-phase plan for a complete overhaul of FARDC. However, the estimated cost of phase 1 of these reforms (US$ 3.7 billion) is likely to keep them beyond reach for the foreseeable future. Previously, on 26 October 2009, the authorities of the Democratic Republic of the Congo adopted a 15-year strategic plan and a three-year action plan to build the capacity of the national police. The Group will continue to monitor those aspects of security sector reform initiatives that are relevant to its mandate, including measures adopted to improve arms stockpile management and prevent the illegal diversion of military equipment.

VI. Arms flows

59. The Group has received a number of reports concerning arms and military equipment transfers or supplies to armed groups operating in the eastern Democratic Republic of the Congo, and is currently investigating the veracity of the information. In conformity with its mandate, the Group has been monitoring the deliveries of military equipment to the Congolese State authorities in order to verify conformity with the provisions related to notification (resolution 1807 (2008), para. 5).

60. As during previous mandates, the Group has conducted spot checks on weapons and ammunition collected by the MONUC disarmament, demobilization, reintegration and resettlement or repatriation programme in Goma, and by Paix et reconciliation (PAREC), a Congolese non-governmental organization that has launched a collection campaign among civilians, gathering small calibre arms and ammunition, and several dozen 82-mm mortar bombs (mainly manufactured in Bulgaria in 1999 and 2000), RPG-7 and 107-mm rockets. In both cases, no new or recently manufactured equipment could be identified; as documented in previous reports of the Group, the inspection of such samples indicates that Congolese national security bodies, as well as small-scale trafficking resulting from other existing stockpiles in the region, are the sources of the majority of the weapons and ammunition.

61. With respect to notifications received pursuant to paragraph 5 of resolution 1807 (2008), the Group notes that, from November 2009 to April 2010, a total of nine notifications were conveyed to the Committee. In connection with paragraph 4 (c) of resolution 1896 (2009), by which the Council decided to expand the mandate of the Committee to "specify the necessary information that Member States should provide in order to fulfil the notification requirement set out in paragraph 5 of resolution 1807 (2008) and to circulate this among Member States", and pursuant to a request from the Committee, the Group has included in annex I elements of possible guidance in this regard.

Case study: export of Congolese-extracted gold with false certificates

62. The Group has obtained documented evidence showing that, from March 2009 to February 2010, several fraudulent "United Nations certificates" were forged by persons unknown to facilitate the sale of Congolese gold to buyers located in regional States. The Group has referred the matter to the Office of Internal Oversight Services, and will continue to investigate the matter in cooperation with the Customs authorities of concerned Member States. The Group has conducted a preliminary investigation in collaboration with the Ministry of Mines of the Democratic Republic of the Congo and confirmed that all of the documents in question were false.

VII. Due diligence and natural resources

63. In accordance with paragraph 7 of resolution 1896 (2009), the Group has been reviewing existing relevant material on due diligence and natural resources, and has been developing recommendations to the Committee for guidelines for the exercise of due diligence by the importers, processing industries and consumers of mineral

products regarding the purchase, sourcing (including the steps to be taken to ascertain the origin of mineral products), acquisition and processing of mineral products from the Democratic Republic of the Congo. The Group has largely focused to date on the trade in cassiterite and tantalum, and will extend its work to other minerals, including gold, over the remainder of its mandate.

64. The Group understands the term "due diligence" to mean "the diligence reasonably expected from, and ordinarily exercised by, a person or entity that seeks to satisfy a legal requirement or discharge an obligation". This definition, taken from Black's Legal Dictionary, is also being used to inform the work of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises. It is also the definition employed by the working group hosted by the Organization for Economic Cooperation and Development (OECD) which is developing due diligence guidance for responsible supply chain management of minerals from conflict-affected and high-risk areas.

65. Paragraph 4 of resolution 1857 (2008) provides a number of criteria according to which the Committee may decide to sanction an individual or entity. Among those criteria is the support to illegal armed groups in the eastern Democratic Republic of the Congo through the illicit trade in natural resources. In view of this, the Group considers that the principal due diligence requirement of importers, processing industries and consumers of Congolese mineral products is that they do not provide this indirect support.

66. The second requirement derived from resolution 1896 (2009) is that importers, processors and consumers of Congolese mineral products do not violate the sanctions imposed on individuals and entities by the Committee, by financing, via their business dealings, either sanctioned individuals and entities or their associates.

67. In accordance with the requirement of the Council, as set out in paragraph 7 of resolution 1896 (2009), that the Group take advantage of the work done in other forums regarding due diligence, the Group has begun a process of consultation and engagement with the other main organizations whose work relates to the due diligence issue. The Group has in this regard held constructive discussions with the OECD-hosted working group, and shares its methodology of a risk-based due diligence approach, meaning the due diligence required to detect and manage actual, potential or perceived risks, in order to prevent or mitigate adverse impacts and avoid causing harm or being associated with harm caused by third parties.

68. The OECD-hosted working group has convened a multi-stakeholder process in which the Group has participated, and looks forward to further engagement with the OECD working group on the issue. The Group has also held useful discussions with the European Union Task Force on the illegal exploitation of natural resources in the Democratic Republic of the Congo, and looks forward to further cooperation with the Task Force over the course of the mandate.

69. The Group endorses the proposal of the OECD-hosted working group that due diligence requires that importers, processing industries and consumers of Congolese mineral products:

(a) Strengthen company management systems, including by establishing a chain of custody tracking system and strengthening company engagement with suppliers;

(b) Identify facts and assess risk in the supply chain, by evaluating the facts against applicable standards, including the requirement and obligation that they do not provide indirect assistance to armed groups;

(c) Design and implement a strategy to respond to identified risks, by establishing improvement plans with suppliers or discontinuing engagement with them;

(d) Ensure independent third-party audits;

(e) Report on their supply chain due diligence and findings.

70. Payments to armed groups along mineral supply chains are illegal under the law of the Democratic Republic of the Congo, and the Group considers it important that there is the full participation of Congolese State authorities in efforts to cease those payments. The Group has to this end conducted consultations about natural resource governance and due diligence with Government institutions at the national, provincial and local levels, including the Prime Minister's office and the Minister of Mines, and intends to engage with other Government ministries over the remainder of its mandate. In addition, the Group has held meetings with the Service d'assistance et d'encadrement du Small-Scale Mining, a Government organization intended to assist and empower artisanal miners. The discussions will continue and intensify over the remainder of the Group's mandate. Thus far, the Group has ascertained the Government's and the armed forces' opposition to the militarization of the country's mines (see annex II), and that the Government supports the principle that companies should take responsibility for their supply chains, not just in the Democratic Republic of the Congo but all the way to the end-users. The Group has learned that the Minister of Defence recently visited the Bisie mining site in North Kivu, to persuade military leaders to cease their involvement in illegal mining or taxation of minerals. The Government has also indicated support for efforts to boost the State capacity of the Democratic Republic of the Congo to combat minerals fraud and eliminate illegal payments from mineral supply chains to armed groups.

71. In its report of 13 February 2008 (S/2008/43, para. 84), the Group recommended that Congolese State institutions should be brought closer to mining production sites in the country. Since then, MONUC has begun work in conjunction with the Government of the Democratic Republic of the Congo on five pilot *centres de negoces*, where it is intended that output from mineral deposits can be traded and tagged in an environment free from illegal armed group taxation or interference. The Group considers this project a useful and constructive response to the Group's earlier recommendation, which has the potential to boost Congolese State capacity in the minerals sector and reduce the ability of armed groups to collect rents from mineral supply chains.

72. The Group considers that this ability of armed groups to collect rents would be further constrained by the carrying out of spot checks on minerals in transit by an existing or, preferably, a specialized State agency, with international assistance.

73. The Group further considers that ongoing efforts by international agencies and United Nations police to boost the capacity of Customs authorities and police could be complemented by specific training to investigate and prevent mineral sector fraud in the Democratic Republic of the Congo, such as illegal payments to armed groups, through spot checks and other means. Such efforts could also have a

positive impact on Congolese State capacity in the minerals sector. This in turn has the potential to reduce the militarization of mines, and hence the ability of armed groups to collect rents from mineral supply chains. The Group considers, however, that the only way to ensure the sustained demilitarization of mines will be continuing security sector reform.

74. The Group has been engaged in discussions with associations of mineral *creusers*, *négociants* and *comptoirs* (diggers, buyers and dealers) in North Kivu about natural resource governance and due diligence, and intends to deepen this dialogue and widen it to South Kivu and other provinces during the course of the mandate. The Group welcomes the stated commitment of those associations to play a role in implementing effective traceability mechanisms for the minerals they work with, which is in accordance with the requirement in paragraph 7 of resolution 1896 (2009) that importers, processing industries and consumers of mineral products take steps to ascertain the origin of mineral products.

75. The Group is aware, however, that certain *négociants* and *comptoirs* continue to purchase minerals from sites controlled by armed groups, and that this material is being sold on to refineries or smelters and thence to end-users, all in violation of United Nations sanctions. The Group is actively pursuing investigations in this connection.

76. The Group considers traceability to be an important aspect of due diligence, and accordingly welcomes the fact that schemes to improve the traceability of Congolese minerals are currently being developed inter alia by the German Federal Institute for Geosciences and Natural Resources, ITRI (a United Kingdom-based tin industry association), the United States-based Electronic Industry Citizenship Coalition (EICC) and the Service d'assistance et d'encadrement du Small-Scale Mining. The Group has initiated discussions with these institutions, and will continue to do so during the course of its mandate. The Group will also engage with other mining industry associations, particularly those in the gold and jewellery industry, to explore ways in which they also might contribute to improving the traceability of Congolese minerals.

77. The Group has noted the ongoing efforts by the Government of the Democratic Republic of the Congo, MONUC and non-governmental organizations to identify and map which Congolese mineral deposits are controlled by which armed groups. The Group considers this identification and mapping to be an important exercise with the potential to complement and inform traceability processes. Recent mapping and identification exercises by MONUC show a continued high level of militarization in mines across North and South Kivu, and to a lesser extent in Katanga and Maniema. In the Kivu provinces, it appears, almost every mining deposit is controlled by an armed group. The armed groups include regular FARDC units, poorly integrated CNDP (and other Congolese armed group) units within FARDC, Mai-Mai militia and FDLR.

78. The Group has received information from credible national and international sources indicating a continued high level of illegal taxes being levied by State agencies and both State and non-State armed groups at various stages of mineral supply chains in the Democratic Republic of the Congo, particularly in the east. The information shows that taxes are levied inter alia at mine sites, roadblocks, airstrips, airports, and borders. The Group is actively investigating these issues and will continue to do so during the rest of the mandate.

79. The Group considers that the continued collection by armed groups of illegal taxes at various stages of mineral supply chains in the Democratic Republic of the Congo demonstrates that, while measures to improve traceability are a necessary component of due diligence for importers, processing industries and consumers of the country's mineral products, these measures are not sufficient. This is because mineral traceability processes do not monitor and thus do not reveal the collection of illegal taxes by armed groups.

80. Additional research is required to monitor and reveal the illegal tax collection of mineral supply chains by armed groups, and the Group is of the view that it should be a due diligence requirement of upstream participants in supply chains of minerals from the Democratic Republic of the Congo, from *comptoirs* to traders and processing industries, that they conduct or commission this research. The research should seek to answer whether or which armed groups are directly or indirectly involved in the trading, transport or taxing of minerals, and whether and which armed groups are benefiting in any way from the trading, transportation or taxing of minerals being carried out by other parties.

81. The answers and information yielded by this research should then be evaluated against the requirement of resolution 1896 (2009) that companies should not provide indirect support for armed groups. In the Group's view, any possible inconsistencies between a factual circumstance and the resolution's requirement regarding armed groups should be considered as creating the risk of falling under the scope of paragraph 4 of resolution 1857 (2008).

82. The Group further recommends that it should be a due diligence requirement of the downstream supply chain, from processors to end-users and consumers of mineral products from the Democratic Republic of the Congo, that they require and evaluate information supplied to them by upstream supply chain participants about the origins of Congolese minerals and the payments made to armed groups, which those participants have obtained as part of their due diligence obligations. In this way, importers, processing industries and consumers of the country's mineral products will be informed about what illegal taxes are being paid and to which armed groups. This information should then be evaluated against the requirement of resolution 1896 (2009) that companies should not provide indirect support for armed groups. Possible inconsistencies between a factual circumstance and the resolution's requirement regarding armed groups should be considered a risk.

83. The Group is of the view that due diligence requirements related to Congolese minerals should apply not just to importers, processors and consumers but also to the financial institutions with which they work. Financial institutions are already recommended by the Financial Action Task Force to conduct ongoing due diligence on their business relationships, to ensure that the transactions being conducted are consistent with the institutions' knowledge of the customer, their business and risk profile, including where necessary, the source of funds. The Group considers that financial institutions should seek to verify that importers, processors and consumers of Congolese mineral products with which they are associated are not providing indirect support to armed groups. The Group will be investigating during the remainder of its mandate the extent to which financial institutions are already doing this, and exploring with them ways in which they might continue and strengthen their efforts.

84. The Group has begun, and intends to continue, its investigations into the shareholdings of the mineral *comptoirs* of the eastern Democratic Republic of the Congo and regional States, to establish which persons and entities provide them with financing. The Group further intends to explore what due diligence obligations might pertain to the shareholders.

85. A number of individuals and entities have been subject to an assets freeze and travel ban by the Committee since 1 November 2005. The Group intends during the course of its mandate to investigate to what extent illegal taxes levied on Congolese minerals materially benefit those individuals and entities, in violation of the sanctions. The Group will also explore ways with importers, processors and consumers of Congolese mineral products how they might design strategies to minimize the risk that their activities are indirectly benefiting sanctioned individuals and entities.

86. The Group has initiated a process of discussion with neighbouring States concerning their role in, and contribution to, improved natural resource governance in the Democratic Republic of the Congo, but has not yet had the opportunity to visit the States to take the discussion further. The Group will continue this process during the remainder of the mandate. In accordance with paragraph 14 of resolution 1896 (2009), the Group intends to engage with regional States on what measures they can take to ensure that importers, processing industries and consumers of Congolese mineral products under their jurisdiction exercise due diligence on their suppliers and on the origin of the minerals they purchase. To this end, the Group reminds Member States, particularly those in the Great Lakes region, of the recommendation of the Security Council in paragraph 17 of resolution 1896 (2009), by which the Council recommended that Member States regularly publish full import and export statistics for gold, cassiterite, coltan and wolframite.

87. The Group will also engage with traders and processors of Congolese minerals in regional States, working to ensure that there is full consistency in their due diligence requirements vis-à-vis those of traders and processors in the Democratic Republic of the Congo. The Group has received credible information indicating that some purchasers in regional States continue to purchase Congolese minerals, despite knowing that illegal taxes have been levied on them by armed groups, thus falling under the scope of paragraph 4 (g) of resolution 1857 (2008) in violation of the sanctions regime. The Group will investigate these matters further during the course of its mandate.

88. The International Conference on the Great Lakes Region is an important forum for regional States to coordinate their policies regarding natural resource governance, and for mutual cooperation. The Group welcomes the recent agreement by the Conference secretariat to institute a regional mineral resource traceability system, and has initiated dialogue with the secretariat concerning due diligence and natural resource governance, which will continue during the course of its mandate.

89. As stated above, after identifying facts and assessing risks, the next stage in due diligence, in the view of the Group, is for importers, processors and consumers of Congolese minerals to design and implement a strategy to respond to identified risks, by establishing improvement plans with suppliers or discontinuing engagement with them.

90. Resolution 1896 (2009) particularly targets foreign armed groups such as FDLR-FOCA and, in this regard, it is the Group's view that where importers, processing industries and consumers of minerals from the Democratic Republic of the Congo learn through their due diligence efforts that minerals have come from sites controlled by these groups, or have subsequently been taxed by such groups, they should take steps immediately to cease purchasing, processing or consuming those minerals. The Group considers that the same approach of discontinuing engagement should apply to all Congolese armed groups which remain outside the integration process.

91. The Group is currently considering what appropriate responses should be taken by importers, processing industries and consumers when their due diligence efforts show that their minerals come from those deposits, and/or have been illegally taxed by FARDC and armed groups in the process of integration into FARDC. These responses may range from establishing improvement plans with suppliers to discontinuing engagement with them.

92. The Group is of the view that the third component of due diligence must be independent third party audit. Without independent, external verification of the due diligence procedures of importers, processing industries and consumers of Congolese minerals, there will be no way of knowing whether they have conducted due diligence. This would erode public confidence in the process, leading to continuing reputational risk for importers, processing industries and consumers of Congolese minerals that have taken appropriate due diligence measures, and continuing impunity for those that have not taken appropriate measures.

93. A credible audit mechanism would also, in the Group's view, assist Member States in implementing the call made by the Council in paragraph 14 of resolution 1896 (2009) that they take measures to ensure that importers, processing industries and consumers of Congolese mineral products under their jurisdiction exercise due diligence on their suppliers and on the origin of the minerals they purchase.

94. The Group is therefore actively considering various possible audit mechanisms for the inspection and assessment of the due diligence practices of importers, processing industries and consumers of Congolese mineral products, including the ISO 19011: 2002 guidelines of the International Organization for Standardization, with a view to making a recommendation to the Council in this regard.

95. The final component of due diligence is reporting obligations. The Group is considering appropriate reporting requirements for importers, processors and consumers of Congolese minerals and will convey its recommendations to the Committee in its final report.

96. The Group has conducted discussions with several Member States about what they consider the consequences should be for importers, processors and consumers of Congolese mineral products that are found not to have conducted sufficient due diligence, and/or are found to be indirectly supporting armed groups through their activities. The Group is awaiting responses from those Member States in this regard, and intends to continue the discussions over the remainder of its mandate.

Other natural resources

97. The Group has received credible information regarding the apparently extensive illegal participation of FARDC elements in the export of timber products

from the eastern Democratic Republic of the Congo, and will investigate this further during the course of its mandate. The Group will seek to establish whether other parties which trade in these products and other natural resources previously identified in Group reports are, by doing so, indirectly supporting armed groups in violation of resolution 1896 (2009).

VIII. Recommendations

98. The Group of Experts makes the following recommendations:

1. The Group recommends that the sanctions Committee consider issuing a public statement clarifying that the scope of the sanctions regime on the Democratic Republic of the Congo does not include any prohibition of export of minerals from the Democratic Republic of the Congo, or any formal mechanism to certify the origin of such minerals. This may help to limit fraudulent attempts to sell fake "clearance" certificates.

2. The Group reiterates its previous recommendation that Member States, particularly those in the Great Lakes region, regularly publish full import and export statistics for gold, cassiterite, coltan and wolframite, and explore ways to improve their data-capturing in this matter.

3. The Group recommends that measures are taken to ensure that development of the *centres de negoces* mechanism continues, regardless of the possible drawdown of MONUC and the reconfiguration of the Mission's mandate.

Annex I

Information to be included in notifications by exporting States to the sanctions Committee regarding provision of military equipment to the Democratic Republic of the Congo*

A. Pursuant to paragraph 5 of resolution 1807 (2008), Member States are requested to notify the Committee established pursuant to resolution 1533 (2004) prior to the shipment of military equipment to the Democratic Republic of the Congo. The Group recommends that such notifications include the following information:

1. Identity of the end-user (i.e., end-user certificate) of the equipment (Congolese Ministry of Defence/Interior or relevant State institution).
2. Proposed date of the departure of the shipment.
3. Proposed date of the delivery of the shipment to the Democratic Republic of the Congo.
4. Details of the itinerary of the shipment (place of departure, transit points and place of delivery).
5. Identity of the cargo carrier:
   - Registration number and serial number of the aircraft used to deliver the equipment by air.
   - Name and registration number of the ship for deliveries by sea.
   - Name of the transport company and registration number of the vehicles used for deliveries by road.
6. Number of containers and identification serial number or marking of each container used to ship the equipment.
7. Exact quantity of the shipped equipment, including the exact number of items and the total net weight.
8. Technical specifications of the shipped equipment, including a reference on the state of the equipment including:
   - Type of equipment.
   - Name of the items according to the nomenclature used by the manufacturing company.
   - State of the equipment (newly manufactured or year of manufacture if second-hand equipment).
9. Marking numbers or codes of each shipped item.
10. Marking numbers of each packaging element used to protect the equipment during the shipment.

B. Pursuant to paragraph 5 of resolution 1807 (2008), Member States are requested to notify the Committee established pursuant to resolution 1533 (2004)

* Notifications pursuant to paragraph 5 of resolution 1807 (2008): www.un.org/sc/committees/1533/resolutions.shtml.

prior to the commencement of military training of military personnel of the Democratic Republic of the Congo. The Group recommends that such notifications include the following information:

1. Exact number of the trainers and proposed date of arrival in the Democratic Republic of the Congo.
2. Exact location of the training to be delivered.
3. Proposed date of commencement of training.
4. Proposed date of conclusion of training.
5. Identity of the FARDC units to be trained.
6. Nature of the training performed.

Measures should be taken by the Member State delivering the training to ensure that training is delivered only to vetted FARDC personnel.

Annex II

Letter dated 22 March 2010 from FARDC Major General Dieudonné Amuli Bahigwa, addressed to the Acting Eastern Coordinator of MONUC

REPUBLIQUE DEMOCRATIQUE DU CONGO
FORCES ARMEES
ETAT-MAJOR GENERAL
OPERATION AMANI LEO

COORDINATION

Goma, le 22 Mar 10

N° 035 /Ops AMANI LEO/ COORD/ 2010.

Transmis copie pour information à:

- Monsieur le Chef d'Etat-major Général des FARDC
- Monsieur le Chef d'Etat-major de la Force Terrestre
(Tous à **Kinshasa**)
- Monsieur le Coordonnateur de l'Est par intérim de la MONUC
- Monsieur l'Auditeur Militaire Supérieur du Nord-Kivu
(Tous à **Goma**)
- Monsieur l'Auditeur Militaire Supérieur du Sud-Kivu
de et à
Bukavu

Ref: Lettre sans N° du Coordinateur a.i MONUC GOMA du 15 Mars 10

Objet: Sécurité des Centres de négoce

A Monsieur le Commandant de la 8e Région militaire

A Monsieur le Commandant de l'opération AMANI LEO Nord-Kivu
(Tous à **Goma**)

A Monsieur le Commandant de la 10e Région militaire

A Monsieur le Commandant de l'opération AMANI LEO Sud-Kivu
(Tous à **Bukavu**)

Messieurs les Commandants,

Le Ministère des Mines et la MONUC installeront conjointement des centres de négoce pour assainir le commerce et la traçabilité des minerais dans le Nord-Kivu et le Sud-Kivu et cela dans le respect de la législation en vigueur pour lutter contre l'imposition des taxes illégales par les groupes armés et les militaires. Ces centres visent le commerce de la cassitérite, du coltan et de l'or.

.../...

Ces centres permettront aux autorités compétentes du Ministère des Mines de contrôler sur le lieu de la première transaction entre les creuseurs et les acheteurs d'un comptoir, la valeur et l'origine des minerais commercialisés, de prélever les taxes et de seller les colis qui seront ensuite transportés aux comptoirs de Goma ou de Bukavu avec une documentation certifiant de l'origine du minerai et du paiement des dites taxes. Ce processus aidera à mettre fin aux trafics et taxations illégaux en la matière à partir de l'extraction du puits jusqu'aux comptoirs d'achats. Il fournira en même temps aux exportateurs les certificats nécessaires à la vente légale de ces minerais sur les marchés internationaux.

Ainsi, je vous ordonne d'instruire vos Commandants respectifs de :

- NE pas s'impliquer dans l'exploitation des mines
- Faciliter l'implantation de ces centres de négoce et d'en assurer totalement la sécurité.

Les Cinq premiers centres seront implantés à :

- Sud-Kivu : Baraka, Mugogo
- Nord-Kivu : Itebero, Isanga et Rubaya

Aucun centre ne peut être l'objet d'un pillage ni par les FDLR ni par les militaires. Les commandants des Secteurs où seront implantés ces Centres sont totalement responsables de leur sécurité.

Le Coordonnateur de l'opération AMANI LEO

Dieudonné AMULI BAHIGWA
Général Major